

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2012-128082-001 SE

08/30/2012

HONORABLE EDWARD BASSETT

CLERK OF THE COURT

J. Schuldt

Deputy

STATE OF ARIZONA

CLAYTON ALEC LYNAS

v.

ETHAN RYAN DICK (001)

DOB: 04/13/87

KINDRA HELFERICH

APO-SENTENCE IMPRISON-SE

APPEALS-CCC

AZ DOC

DISPOSITION CLERK-CSC

APO-SENTENCINGS-SE

RFR

SENTENCE - IMPRISONMENT AND PROBATION

8:53 a.m.

State's Attorney: Tattnall Rush

Defendant's Attorney: Kindra Helferich

Defendant: Present

Court Reporter: Scott Kindle

Count(s) 1 and 2: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 COUNT 1: BURGLARY IN THE THIRD DEGREE

Class 4 Felony

A.R.S. § 213-1501, 1506, 105, 701, 703, 801

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Date of Offense: 05/29/2012  
Non Dangerous – Repetitive

OFFENSE: COUNT 2: POSSESSION OF BURGLARY TOOLS  
Class 6 Felony  
A.R.S. § 13-1505, 1501, 105, 701, 702, 801  
Date of Offense: 05/29/2012  
Non Dangerous – Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 5 year(s) from 08/30/2012  
Presentence Incarceration Credit: 94 day(s)  
Aggravated  
Sentence is concurrent with CR2010-103904-001.

Pursuant to A.R.S. § 13-703 or 13-704, the Court finds that the Defendant has been convicted of the following prior felony offenses:

Unlawful use of Means of Transportation, a class 6 Non Dangerous Felony committed on 02/25/2010 and convicted on 04/13/2010 in CR2010-110954-001, in the Maricopa County Superior Court.

The Defendant was represented by counsel.

Community Supervision: Count 1 - Waived pursuant to A.R.S. § 13-603(K), due to the term of probation in Count 2.

In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Count 2 Probation Term: 2 years

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Upon absolute discharge from prison for a separate offense in Count 1.

Conditions of probation include the following:

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the state.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 2 - \$65.00 per month.

PROBATION SURCHARGE: Count 20.00 - \$5.00 per month.

Payment to commence on a date to be determined upon defendant's release from ADOC in Count 1.

The Court retains jurisdiction on the issue of restitution; and defendant waives his presence at any restitution hearing.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail [cforensponse@mail.maricopa.gov](mailto:cforensponse@mail.maricopa.gov). The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Condition 16 - Not consume or possess any substances containing alcohol.

Sentence in Count 1 is concurrent with prison sentence in CR2010-103904-001.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.

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2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

Count(s) 1: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

**Defendant suffers from multiple sclerosis and is in treatment at St. Joseph's Hospital. The Court requests taking the defendant's condition into consideration and placing him in a unit where he can get treatment.**

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

The presentence investigation report is filed under CR2012-128082-001.

9:05 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE EDWARD BASSETT  
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)